

Statement
of
American National Cattlemen's Association
by
Thomas R. Hovenden, Vice-Chairman
of
ANCA Environmental Sciences Committee
before the
Select Committee on Small Business

U. S. Senate

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I am Thomas R. Hovenden, I reside in Boise, Idaho. For the past 10 years I have served as the Secretary-Manager of the Idaho Cattle Feeders Association. For the past 3 years I have served as Vice-Chairman of the Environmental Sciences Committee of the American National Cattlemen's Association.

In my every day work I cope with the varied problems facing the nation's cattle feeders, ranging through dealings with government regulatory agencies, legislative bodies, beef grading standards, animal health programs, subjects relating to nutrition, feed and grain supplies, marketing programs, cattle numbers and the full scale of environmental relationships. I publish bulletins, papers relating to feedlot problems, produce radio programs, and write for a national feedlot publication, CALF News, as Northwest Editor.

Records at the Region X office of the EPA in Seattle will show that 69 applications for discharge permits under the NPDES program have been received from Idaho. These include 65 beef feedlots and 4 dairies which would include all beef feedlots of over 1,000 head capacity and some under this number.

In the late nineteen sixties there were many rumblings about feedlot degrading water quality. We were a target industry. Many ill founded myths were echoed. (Nice ladies who termed themselves "ecologists" would call my office and inform me that a feedlot of 10,000 head of cattle was equivalent to a city of 50,000 people with no municipal sewage treatment plant. These were omens of difficult times in our future.)

In 1969 our Directors voted to participate actively in a joint Federal-State study through the laboratory of the Federal Water Quality Administration at Corvallis, Oregon. The report from this study was frightening and would have virtually removed all animal feedlots from many areas of Idaho. As a result of this report, we did publish a pamphlet entitled "The First Step" and talked of "total retention" of feedlot runoff. Many of our guidelines are quite similar to those that have been published in the Federal Register by the EPA. Our feeders began to quietly work towards attaining these goals. Certainly, all new feedlot construction taking place after July of 1970 embraced these guidelines.

We were not alone in this effort. Cattle Feeder Associations in California, Texas, Colorado, and Kansas were also devoting many of their assets towards work in this same direction. We were hampered by

a lack of credible information. In 1968 the Agricultural Research Service of the USDA stated to produce some excellent research work on the problems we faced. We did not hesitate to seek answers. In our own case, I was given the green light to attend such conferences as the International Symposium on Livestock Wastes at Ohio State University in 1971. We brought able scientists to our state to discuss this situation. Notable work was done in Nebraska by an ARS team headed by Dr. T. M. McCalla, a noted microbiologist. We have relied heavily on findings based upon credible scientific investigation. At both the state level and in the Environmental Sciences Committee of the ANCA we have established the principle of accepting that evidenced produced by proper investigation and to abide by its dictates.

In 1973 I was invited by the ANCA to be the Chairman of a national meeting sponsored jointly by the EPA and the ANCA. Its purpose was to bring all of the then assembled knowledge on the subject of feedlots and water quality to the attention of the American cattle industry. As Chairman, I sought out the full participation of the National Livestock Feeders Association and all state livestock Associations.

In accepting this assignment, I found that I also had the responsibility for preparing ANCA responses in the rule making process of establishing guidelines. I did not do this alone, relying instead upon a wide range of expertise from the scientific community, other livestock associations and progressive leaders in the cattle feeding community.

Our first task was to quickly respond to the Hamilton Standard Report, a study made by an aero space corporation for the EPA on the feedlot industry. In following the dictates of Public Law 92-500, Hamilton Standard simply recommended "Zero Discharge". This was not acceptable. Thus began my education in confronting 92-500 and the man problems in the interpretation of its meaning and intent. The law required the permit system to be established by April 18th and the final guidelines to be in place by October 18th, 1973, one year after its passage. These time constraints were most narrow, and in my opinion, denied the industry its full rights to be heard and offer inputs. The contact of Hamilton Standard with the feeding industry and its trade associations was minimal.

With the help of a strong advisory panel I assembled the ANCA response to the EPA proposal that appeared in the September Federal Register. We found the final EPA proposal generally acceptable. In November of 1973, I appeared before the Government Operations Subcommittee of Rep. Henry Reuss on behalf of the ANCA. Our position was to defend the cutoff figures of feedlots of 1,000 head and dairies of 700 head and to classify lesser operations as Non Point Sources of Discharge. We are here today because a Federal Court did not find this to be the intent of the law.

At our ANCA-EPA Action Conference in 1973, I asked Rep. Morris Udall to be our keynote speaker. Mr. Udall emphasized the point that the 1972 Water Act was the product of the Congress and that our differences should be taken up with Congress and not the EPA in regards to its effects, meanings and interpretations. I feel that we do need changes in 92-500.

We are now faced with establishing a much more far reaching permit program. There are two ways to approach it. One consideration would be to make the owner of one cow, or one horse or even one chicken obtain a discharge permit. Since this is a democracy with equal rights for all, we should pursue this permit system right down to my neighbor and his pet cat who visits my yard. Exclude all exemptions. This would get the attention for the voters and the Congress. After all, we have only tread upon the loss of the larger livestock operators to date. They have done a remarkable job without government subsidy. They have spent millions of dollars in their contributions to the environment and few of these dollars have in any way increased their productive ability.

A second approach is the report that Dr. B. P. Cardon of Tucson, Arizona to the EPA hearing conducted by Mr. Albert Prinz, Chief of the Permit Division of EPA at Omaha, Nebraska on September 10.

As Chairman of the ANCA Environmental Sciences Committee, Dr. Cardon asked a number of qualified representatives of the scientific community and cattle feeding industry to prepare such a report. The people at this meeting are listed in the report. They met in Manhattan, Kansas and spent two days developing the document.

Section I deals with an enlarged definition of a "Concentrated Animal Feeding Operation" that allows for variables in size, animal concentration and distance from a receiving stream.

Section II deals with Hydrologic Models to predict quantity and quality of runoff. It is obvious that many factors are involved that extend far beyond one simple definition or standard to apply continent wide.

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Section III deals with the economic impacts of BPT and BAT versus size. Due to the economics of size, the greater impact will be upon the smaller operations. What will be achieved if we establish standards that will force many smaller operations out of business? What will be the cost of administering a permit program right down to the smallest operators and what will this cost the consumer in food prices. The value gained must be weighed against the cost of such a program.

Section IV deals with effluent limitations and suggests that standards be established that are truly performance-based after considering the many differences in climate, size, animal types, topographic, cultural and economic parameters. Alternate technologies must be developed.

Section V has some far reaching recommendation on the land application of manure. Land receiving this product should be considered as a non point source of discharge.

Section VI deals with Administration of the program and strongly urges continuation of state programs that are close to the people. We can not become over loaded with administrative rules, an expanding bureaucracy, continuing litigation, and non-productive expenditures of capital that do not increase efficiency when our original goal was the simple intention of keeping the crap out of the creek.

In conclusion, I would strongly urge the Congress and the Agency to work more closely with the livestock industries and scientists of this country. It is most exasperating to respond to studies of

the industry made by engineering firms with few agricultural engineers on their staff and no grasp of the industries being studied. I would call attention to the Committee that the live-stock industries represented here today have already made large committments of their own money to programs to protect the nation's waters. Few, if any government subsidies have been granted for this effort. I would like to express our appreciation to the Agricultural Research Service of the USDA for the fine cooperation and research work they have done on our behalf.

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION

SPECIAL REPORT

FEEDLOT RUNOFF CONTROL FROM POINT/NON-POINT SOURCES

PREPARED BY: SPECIAL SUBCOMMITTEE FROM THE ENVIRONMENTAL SCIENCES
COMMITTEE OF ANCA